DECLASSIFIED MEMORANDUM
PA/HO Department of State
E.O. 12958, as amended
August 6, 2007

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THE WHITE HOUSE

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INFORMATION

December 2, 1969

MEMORANDUM FOR DR. KISSINGER

FROM:

Michael Guhin

Winston Lordy

SUBJECT: CBW Resolutions at the UN

This gives you a brief status report on the state of play in New York on disarmament questions, with emphasis on the various CBW resolutions for which State has just sent guidance to our UN Mission. (The State cable is attached at Tab A.) We talked to State informally about these instructions to New York and said that we would let them know immediately if there seemed to be any problems with their UN tactics on CBW. We do not see any.

General debate on all disarmament items has been taking place the past two weeks in the First (Political) Committee and will conclude in the next couple of days. The remainder of this week should be taken up by negotiations among delegations on the texts of various resolutions, with voting commencing next week. In addition to CBW, the major item of interest will be the Seabeds Treaty (Hal Sonnenfeldt is following this -- Canadian changes in the verification section have increased chances for General Assembly endorsement of the draft treaty but this may still be impossible in light of remaining problems and the December 16 GA adjournment). There are also various resolutions on other disarmament topics such as peaceful nuclear explosives, the SALT talks, enlargement of the Geneva Disarmament Committee (CCD) and Comprehensive Nuclear Test Ban. The operators (Hal Sonnenfeldt and Bob Behr) and I (Lord) have been following these items; State and USUN are taking the appropriate lines in New York. The overall U.S. objective is to center substantive disarmament matters in Geneva and protect the prerogatives of the CCD against inroads by the General Assembly.

Resolutions on CBW

The President's CBW announcement and the NPT ratification have of course helped Ambassador Yost greatly in New York, with the stickiest problem still

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being the question of tear gas and herbicides under the Geneva Protocol. There are four main CBW proposals floating in New York. The attached cable guides Ambassador Yost as follows.

- -- Canadian Resolution. This is essentially a procedural resolution which would have the General Assembly refer all CBW proposals to the Geneva disarmament talks. This Canadian effort remains our preferred vehicle for heading off substantive resolutions and wrapping up the CBW debate at the UN.
- -- British CBW Convention. Per the President's November 25 statement, we will associate ourselves with the principles and objectives of this convention while working in Geneva toward clarification of such problems as the conduct of biological research.
- -- Soviet Draft Resolution. This commends their own draft CBW convention which covers the waterfront and allows for no international verification. The Soviets seem intent on pressing this issue. We are telling them that their initiative is unfortunate; that the President has made clear our CBW positions; that the Soviet move hampers the efforts of the cochairmen in common handling of arms control matters in Geneva and New York; and that we hope they will not press for a vote. We are telling other delegations that we oppose the Soviet resolution and are asking for their help in preventing a vote and burying it in the Canadian omnibus resolution.
- -- Swedish Draft. This Swedish proposal, with co-sponsorship by non-aligned nations, might give us the most difficult time. The resolution interal would put the General Assembly on record that the use of any chemical weapon, including tear gas and herbicides, is contrary to the generally accepted rules of international law. We hope to persuade the Swedes to withdraw their resolution or at least not press it to a vote -- but they seem determined to move ahead and might well muster widespread support. In New York we are reaffirming our position on riot control agents and herbicides, pointing out that this will not be changed by a GA resolution, and saying that focusing CBW debate on this question is unconstructive and ill-timed after the President's far reaching decisions.

cc: Robert Behr Helmut Sonnenfeldt



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SUBJ: TACTICS RE CBW RESOLUTIONS

1. FOLLOWING IS GUIDANCE FOR HANDLING CBW RESOLUTIONS.
TAKING INTO ACCOUNT NOV 25 STATEMENT OF US.CBW POLICY:

SOVIET DRAFT RESOLUTION (USUN 4308)

SOVIET TABLING OF RESOLUTION HAS MADE IT MORE DIFFICULT TO SEND THEIR CONVENTION ON TO CCD TOGETHER WITH OTHER CBW PROPOSALS WITHOUT VOTE IN GA ON SUBSTANCE, THOUGH WE INCLINED DOUBT THEY SERIOUSLY INTEND PRESS IT TO VOTE.

YOU SHOULD TELL ROSCHIN THAT WE CONSIDER THEIR MOVE MOST UNFORTUNATE, POINTING OUT THAT AS WE HAVE ALREADY TOLD THEM THEIR DRAFT CONVENTION IS SERIOUSLY DEFECTIVE IN OUR VIEW IN PARTICULAR BECAUSE IT LACKS VERIFICATION PROVISIONS. MOREOVER, PRESIDENT MADE CLEAR NOV 25 THAT OUR POLICY TOWARD USE OF LETHAL AND INCAPACITATING CHEMICAL WEAPONS IS EXPRESSED IN GENEVA PROTOCOL



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(WITH STANDARD RESERVATION) WHILE WITH RESPECT BW WE HAVE ASSOCIATED OURSELVES WITH PRINCIPLES AND OBJECTIVES OF BRITISH DRAFT CONVENTION. PRESSING SOVIET RESOLUTION TO VOTE COULD ONLY HAMPER EFFORTS OF CO-CHAIRMEN IN COMMON HANDLING OF ARMS CONTROL MATTERS BOTH IN GA AND IN GENEVA. YOU SHOULD URGE ADVANTAGE OF ACCEPTING REFERENCE TO SOV CONVENTION IN OMNIBUS RES SUCH AS CANADIAN, DRAFT. AS AGAINST OPEN FIGHT WITH US.

AT SAME TIME YOU SHOULD CONTINUE TO EXPRESS TO OTHER DELS OUR OPPOSITION TO SOVIET RESOLUTION AND SEEK THEIR SUPPORT IN PERSUADING SOVS TO REFRAIN FROM PRESSING IT TO VOTE.

SWEDISH/NON-ALIGNED DRAFT

THIS RESOLUTION, EVEN WITH MODIFICATIONS ALREADY MADE, GIVES US MORE SERIOUS TROUBLE THAN SOVIET DRAFT SINCE ITS PASSAGE BY OVERWHELMING MAJORITY COULD MAKE MORE DIFFICULT OUR LEGAL DEFENSE OF EVEN LIMITED USES OF TEAR GAS AND HERBICIDES. SUGGEST YOU TAKE LINE WITH SWEDES AND OTHERS THAT NOV 25 US ANNOUNCEMENT HAS MADE CLEAR NATURE AND LIMITES OF US CBW POLICY. FYI: PRECISE US POLICY ON TEAR GAS AND HERBICIDES WILL BE STATED IN INTERPRETIVE STATEMENT IN CONNECTION WITH CONSIDERATION OF THE PROTOCOL BY THE SENATE. END FYI. IT MUST BE EVIDENT TO ALL THAT WE DO NOT CONSIDER RIOT CONTROL AGENTS OR HERBICIDES TO BE COVERED BY GENEVA PROTOCOL AND THAT WE

OR HERBICIDES TO BE COVERED BY GENEVA PROTOCOL AND THAT WE DO NOT THEREFORE INTEND TO INCLUDE THEM IN PROHIBITION WE ACCEPT IN SEEKING RATIFICATION OF PROTOCOL. CONTINUED EFFORTS OF SWEDES TO PUT ASSEMBLY ON RECORD AS CONSIDERING THESE CHEMICAL AGENTS TO BE PROHIBITED MIGHT RESULT IN MUSTERING FURTHER INTER-NATIONAL OPPOSITION TO DECLARED US POLICY BUT IT COULD NOT BE EXPÉCTED TO HAVE ANY MORE FRUITFUL RESULT. WE CONSIDER OUR NEWLY ANNOUNCED POLICY TO BE EMINENTLY SOUND AND JUSTIFIABLE AND WE WOULD VERY MUCH REGRET HAVING ISSUE OF TEAR GAS AND HERBICIDES NOW BECOME FOCUS OF FUTURE HANDLING OF CBW ISSUE WHEN THERE ARE MORE CONSTRUCTIVE APPROACHES TO BE TAKEN (E.G. BRITISH BW CONVENTION).

WE WOULD HOPE THAT SWEDES COULD BE INDUCED TO WITHDRAW THEIR RES OR REFRAIN FROM PRESSING IT TO VOTE. WE SHOULD SEEK SUPPORT OF FRIENDLY DELS IN DISSUADING SWEDES ON BASIS FOREGOING ARGUMENTS AND ON GROUNDS THAT GA SHOULD NOT





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SEEK TO DECLARE EXISTENCE OF PURPORTED CUSTOMARY INTERNATIONAL LAW WHICH IS NOT ACCEPTED BY SIGNIFICANT GROUP OF STATES, INCLUDING MAJOR POWER. MIGHT ALSO BE USEFUL WITH SOME DELS TO NOTE THAT, COMING DIRECTLY ON HEELS OF MAJOR AND MUCH APPLAUDED US POLICY STATEMENT, RES PUTTING US IN THE DOCK FOR NOT HAVING GONE FARTHER WOULD BE ILL-TIMED TO SAY THE LEAST.

BRITISH BW CONVENTION

YOU SHOULD TAKE LINE SET OUT IN NOV 25 CBW STATEMENT, AND SPECIFICALLY PRESS AS SEEMS NECESSARY FOR
RETENTION OF LANGUAGE IN CANADIAN OMNIBUS RES GIVING
ADEQUATE RECOGNITION OF BRITISH DRAFT. YOU HOULD ALSO REASSURE
UKDEL RE QUESTION RAISED IN LONDON 9605, PARA 1A, DRAWING
ON SEPTEL TO LONDON.

CANADIAN DRAFT RES

LATEST DRAFT, TABLED NOV 28, LESS DESIRABLE THAN EARLIER VERSION BECUASE IT EQUATES BRITISH AND SOV DRAFT CONVENTIONS, BUT THIS PROBABLY UNAVOIDABLE IF WE TO PREVENT SOVS AND OTHERS FROM PRESSING FORWARD WITH SUBSTANTIVE RESOLUTIONS. YOU MAY INFORM CANADIAN AND UKDELS THAT WE EXPECT BE ABLE SUPPORT THEIR RESOLUTION IN ITS PRESENT FORM IF IT PROVIDES BASIS FOR COMPROMISE PROCEDURAL RESOLUTION REFERRING ALL CB PROPOSALS TO CCD. WE ASSUME CANADIANS, LIKE US, MUCH PREFER SUBSTANCE THEIR PREVIOUS DRAFT AND WOULD WISH CONSIDER REVERTING TO IT IF CURRENT VERSION DOES NOT ACCOMPLISH TACTICAL PURPOSE FOR WHICH IT DESIGNED.

GP+3. ROGERS